

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: AVANDIA MARKETING SALES  
PRACTICES AND PRODCUTS LIABILITY  
LITIGATION

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MDL NO.: 1871  
07-MD-01871-CMR

THIS DOCUMENT APPLIES TO  
ALL ACTIONS

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**JOSEPH A. OSBORNE AND BABBITT JOHNSON OSBORNE &  
LECLAINCHE'S APPLICATION FOR APPOINTMENT TO  
PLAINTIFFS' STEERING COMMITTEE**

COMES NOW Joseph A. Osborne and Babbitt, Johnson, Osborne & Le Clainche, P.A., and respectfully submits this Application for Appointment to the Plaintiffs' Steering Committee. I practice in the areas of complex civil litigation, including mass torts and professional malpractice and product liability cases. I earned a Bachelor's Degree in Economics from Brown University in 1987 and a Law Degree from the University of Florida in 1990. I am licensed to practice law in the State of Florida and am admitted to the United States District Court for the Southern District of Florida. I am also a member of the American Association for Justice, Health Care Law Section of the Florida Bar, Palm Beach County Bar Association, Palm Beach County Justice Association and the Florida Justice Association.

I am currently a member of the Plaintiffs' Steering Committee for the MDL in the Trasylol litigation before the Honorable Donald Middlebrooks, in West Palm Beach, Florida against Bayer Pharmaceuticals. I am also liaison counsel to the litigation. I have worked in conjunction with other members of the Trasylol PSC reviewing liability documents, taking depositions, and arguing motions before Judge Middlebrooks. I have taken many of the key general liability depositions

and have been at the forefront of helping prepare and present Plaintiff's generic experts for depositions. I have also been involved in defending Daubert challenges to our experts, including preparing and filing briefs in opposition to such challenges. I recently settled my inventory of Trasylol cases with Bayer, but continue to serve the litigation in my role as a PSC member and as liaison counsel. My firm and I also are lead counsel in the cypher cardiac stent litigation against Cordis and Johnson and Johnson. The stent litigation is also venued in Florida. We are actively engaged in the generic liability discovery and expert workup of that litigation and have handled all key status conferences and motions before Judge Glenn Kelly. We are also currently representing numerous clients in other mass tort litigations including Reglan, Yaz and the BP Oil claims.

My firm and I were also lead counsel in the mass tort litigation of Black v. Ethicon, et al., (lead case) against Johnson & Johnson involving a product known as Intergel. Intergel was a product designed by Johnson and Johnson to prevent adhesions in women who underwent gynecologic surgery.

My firm and I were also lead counsel in the mass tort of Holtsberg v. Citigroup, et al., (lead case). These actions arose out of financial losses suffered by shareholders of Worldcom. We were able to successfully bring claims on behalf of a number of shareholders in State Court, as opposed to NASD Arbitration, and seek pain and suffering damages on behalf of victims who suffered financial loses due to the actions of Citigroup and Worldcom. Our firm has also been involved in the other MDLs:

Medtronic litigation

Vioxx litigation

PPA litigation

Babbitt Johnson Osborne & Le Clainche, P.A., has the resources, commitment and qualifications to accomplish all of the assigned tasks of the Plaintiffs' Steering Committee.

Babbitt Johnson Osborne & Le Clainche, P.A. has reviewed hundreds of Avandia cases and currently represents approximately one hundred (100) Plaintiffs with potential causes of action to be filed in this MDL. We anticipate that a number of cases will be filed shortly. Our firm has worked with other members of this Steering Committee in the past and is prepared to work diligently in all aspects of the litigation.

If asked to serve on the Plaintiffs' Steering Committee, I do not see any conflicts or strain on my firm's resources. A full overview of our firm's experiences and successes can be found by going to our website [www.babbitt-johnson.com](http://www.babbitt-johnson.com).

Dated: July 13, 2010

Respectfully submitted,

BABBITT, JOHNSON, OSBORNE  
& LE CLAINCHE, P.A.

By: /s/ Joseph A. Osborne  
Joseph A. Osborne  
Florida Bar No.: 880043  
1641 Worthington Road, Suite 100  
P.O. Box 4426  
West Palm Beach, FL 33409-4426 (33401)  
(561) 684-2500  
Fax: (561) 684-6308

**CERTIFICATION OF SERVICE**

I, Stephen A. Corr, Esquire, hereby certify that the attached document was filed through the court's CM/ECF system and that a copy of the attached document is being served upon all counsel of record through the ECF system. This document is being filed by the undersigned counsel in the capacity of Plaintiffs' Liaison Counsel.

MELLON, WEBSTER & SHELLY

/s        Stephen A. Corr  
Thomas E. Mellon, Jr., Esquire  
Stephen A. Corr, Esquire  
87 N. Broad Street  
Doylestown, PA 18901  
(215) 348-700  
[scorr@mellonwebster.com](mailto:scorr@mellonwebster.com)